

## **SOCIAL HOST LIABILITY, HARASSMENT, AND PRIVACY - A POTENT COCKTAIL**

Summer is upon us, a time when workplaces get a little more relaxed, Friday happy hours get a little more convivial and maybe there are beach parties, BBQs, and sports teams. What helps oil all those social wheels? Often, it's alcohol: a keg of craft beer, a nice chilled wine, or a tasty cocktail. But is your company just one unfortunate incident away from a lawsuit?

Never considered the possibility, because you're a committed team working on a product you care passionately about? Read on.

It's a subject no-one seems to be talking about, and as [HR professionals](#), we are loathe to be stuck with the "fun police" label. But [social host liability](#), [harassment](#) and [privacy](#) are all very real issues for employers. We want you to have not only food for thought, but actionable items to assess and manage your risk and, where needed, [on-call resources](#) to help you navigate through the weeds.

The coolest companies have kitchens stocked not only with healthy snacks and great coffee, but craft beer and some crazy little wines. A keg on tap, you ask? Of course we do. Maybe you have Beer O'Clock Friday, or if you feel like a bevvie mid-afternoon it's totally ok to help yourself. And why not? Having fun at work is something we value greatly.

What could go wrong? Turns out, a lot.

### **SOCIAL HOST LIABILITY - Alcohol Policies**

As an employer you have *legal obligations* when alcohol is provided in the workplace or is part of any social event for your employees, including in-office happy hours and off-site events like golf tournaments, ski trips, beach parties, and picnics.

Employers can be held responsible for both the welfare and behaviour of employees who

overindulge at company events. This includes events held on and off work premises, events where the employer has purchased the alcohol and serves it, or even events where the employer has paid an establishment to serve alcohol (i.e. a golf course, catered picnic, etc.).

There can also be liability where employees continue on to another establishment after a work event, particularly if a manager is feeling generous and “picks up the tab.” And the liability doesn’t end when your employee leaves the building. “The party isn’t over until everyone is home safely” is a much used quote. Ensuring everyone has a safe ride home is part of your responsibility.

## **HARASSMENT**

Alcohol has a way of lowering our inhibitions and sometimes people make poor (or very bad) judgment calls after a few drinks, behaving in ways that may lead to a harassment claim, or worse, criminal charges. It’s not a pretty topic to think about, it’s uncomfortable and no-one wants to believe that anyone they know, or work with, could be involved in something like this. But it happens. And it happens way more often than we want to think about. And you, as an employer, have a duty to ensure you provide a safe work environment and that employees are not harassed either during regular office hours or at any work sponsored events.



Image source: [LeadBlog.ca](https://www.leadblog.ca)

So what can you do to manage this, minimize your liability and still have the culture and fun workplace everyone wants? Taking reasonable steps to ensure that your employees are not over-served or intoxicated and that they are not allowed to drive home from business-sponsored events is a start. Ensuring that you have good policies, that your managers are trained and team members educated will go a long way to protect both them and you.

Depending on numerous factors including your location, industry, corporate culture and the type of event, the following suggestions may assist you in planning social events:

Have corporate drug and alcohol and harassment policies in place

Make sure your managers are trained in these policies, and that the training is repeated for newly hired, or newly promoted managers.

Ensure all employees are educated on your policies and have acknowledged that training. An employee handbook is a great place to keep all your policies and it should be included when you are onboarding new employees.

Social events where alcohol is served should be explicitly voluntary – that means you have to tell your team that no-one is expected to attend and that no-one feels pressured into drinking as way of being “one of the team” or a “cultural fit”.

Always provide a selection of non-alcoholic beverages and some food

Let your team know that you will always make sure they have a safe ride home. Make transportation arrangements well in advance of any special events, communicate early and often. Taxi vouchers should be readily available and easily accessible.

Restrict and monitor the amount of alcohol consumed. Use tickets, tokens or a drink voucher system or hire a licensed bartender rather than letting everyone help themselves.

Close the bar at least an hour before the planned end of the activity.

Designate non-drinkers to keep an eye on the festivities and support them if they have to “cut off” alcohol service or ask an employee to take a taxi home. Taking the [Serving It Right course in British Columbia](#) can help provide tools and knowledge to better handle these situations. (We had one client that asked the entire company to do this and made it a fun team building event!)

Consider hosting events at a hotel or restaurant where a licensed commercial host will be primarily responsible for providing qualified staff to serve and monitor alcohol consumption.

Encourage employees to drink responsibly and remind them that drinking and driving is illegal.

If there is reason to believe an employee intends to drive home impaired, take away their keys and put them in a taxi.

Remember, the party’s not over until everyone is home safely.

As of November 1, 2013, all employers In British Columbia, were required to implement a [Bullying and Harassment Policy](#), develop reporting procedures and train their employees.

WorkSafeBC has developed a [ToolKit](#) to help you get started. And if you don’t think this is

something you are equipped for or have time to do on your own, [we can help](#).

## PRIVACY

Although there is no “right” to privacy at a company social event, a recent lawsuit opened the door to employer liability if pictures are taken and shared without an employee’s consent. As part of your onboarding, it’s a great idea to get written consent if you might take, share or use images of them in the workplace or at social events. And if you plan to take pictures and use or share them at a particular event, make sure everyone knows in advance and you post a sign on the way in.



Image source: StockSnap.io



It is up to you as the employer to determine the level of risk you are comfortable with, which of these or other courses of action you want to take to keep your employees safe and limit your own liability and how you manage your culture.

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*Here's the legal bit we have to tell you. As we are based in Vancouver, Canada, most of our references and resources are Canadian or British Columbia specific. At [BLANKSLATE Partners](#) we are HR professionals, not lawyers. This is intended as general information and is not intended to be legal advice. Each province in Canada and state in the US has different rules, regulations and legal liability. For expert legal advice, we strongly recommend you call an employment lawyer in your jurisdiction.*